

## Article - Natural Resources

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§8–1806.

(a) The Commission has all powers necessary for carrying out the purposes of this subtitle, including the following:

(1) In accordance with Title 2, Subtitle 5 (Joint Committee on Administrative, Executive and Legislative Review) and Title 10, Subtitle 1 (Administrative Procedure Act) of the State Government Article, to adopt and amend regulations as authorized under this subtitle for the administration and enforcement of the State and local programs;

(2) To conduct hearings in connection with policies, proposed programs, and proposed regulations or amendments to regulations;

(3) To contract for consultant or other services; and

(4) To establish an advisory committee, composed of members of the Commission and local citizens and local stakeholder groups, to make recommendations to the Commission with respect to Atlantic Coastal Bays Critical Area programs.

(b) Regulations adopted or amended under subsection (a)(1) of this section shall:

(1) Establish comprehensive standards and procedures for:

(i) Buffer establishment, maintenance, measurement, mitigation, and enforcement;

(ii) Buffer exemption areas;

(iii) Impacts of shore erosion control activities on the buffer;

(iv) Community piers;

(v) Commercial marinas;

(vi) Water dependent facilities;

(vii) Public water access;

(viii) The protection and conservation of the buffer as a State water quality and habitat resource essential to the restoration of the Chesapeake and Atlantic Coastal Bays;

(ix) Mapping the critical area, with respect to revision of the 1,000-foot boundary and voluntary additions of property to the critical area;

(x) Development in the critical area, with respect to:

1. Clearing, grading, and construction activity;
2. Clustering to promote conservation of natural site features;
3. Flexibility for redevelopment;
4. Stormwater management;
5. Application of the 10% pollutant reduction rule;
6. Forest and developed woodlands protections;
7. Clearing of natural vegetation;
8. Lot coverage standards;
9. Commission review of local provisions for lot consolidation; and
10. The exclusion of State tidal wetlands from calculations of density, forest and developed woodlands protections, limitations on clearing natural vegetation, and lot coverage standards;

(xi) Consistent enforcement of State and local critical area law, with respect to the establishment of minimum penalties and mitigation requirements;

(xii) Growth allocation applications, with respect to:

1. The deduction of growth allocation acreage;
2. Commission review and determinations;

3. Accommodation of variations among local jurisdictions concerning land uses in the resource conservation area that do not require growth allocation;

4. The location of septic systems;

5. Golf courses; and

6. The Commission's evaluation of a local jurisdiction's use of cluster development under § 8-1808.1 of this subtitle;

(xiii) In consultation with appropriate State and federal agencies, the conservation and protection of:

1. Habitat protection areas;

2. Threatened and endangered species;

3. Species in need of conservation;

4. Forest interior dwelling birds;

5. Anadromous fish propagation waters; and

6. Plant and wildlife habitat;

(xiv) Directives for local program development and implementation, with respect to:

1. Notification of project applications;

2. The 6-year comprehensive review of a local critical area program;

3. For a State or local government development activity:

A. Public notice, including notice to be published in a newspaper of general circulation in the area where the proposed development activity would occur; and

B. An opportunity for public comment in the local jurisdiction in which the proposed development activity would be located;

4. Reporting requirements;
5. The submission and processing of a proposed program amendment or refinement; and
6. Provisions applicable to areas requested for exclusion from the critical area;

(xv) In consultation with the Department of the Environment, surface mining in the critical area; and

(xvi) The application for and processing of a variance, with respect to:

1. Amending a variance application;
2. Advance notice to the Commission;
3. The contents of a complete variance application;
4. Ensuring that Commission recommendations are made part of the variance record;
5. The use of variance standards; and
6. Notice of a variance decision; and

(2) Provide flexibility wherever possible in order to accommodate variations among local programs.

(c) The members of the Commission who reside in the Atlantic Coastal Bays Watershed shall serve on any committee established under subsection (a)(4) of this section.

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